

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>BILL H. DOMINGUEZ, on behalf of himself and all others similarly situated,</b>	)	
	)	<b>CLASS ACTION</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>C. A. No. 13-1887</b>
	)	
<b>YAHOO! INC.</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Bill H. Dominguez, by counsel, submits this Notice of Supplemental Authority in support of his opposition to Defendant Yahoo! Inc.'s Motion for Summary Judgment.

In Plaintiff's Opposition (Doc. 39), at footnote 2, he referred to a motion for summary judgment filed by Defendant in another case brought under the Telephone Consumer Protection Act, *Sherman v. Yahoo! Inc.*, C.A. No. 13-41 (S.D. Cal.). On February 3, 2014, the district court in *Sherman* denied Yahoo!'s motion, relying in large part on an expert report submitted by Randall Snyder. Mr. Snyder has also submitted an expert report in the case at bar (Doc. 39-9).

A copy of the *Sherman* decision is attached hereto.

Dated: February 4, 2014

Respectfully submitted,

**FRANCIS & MAILMAN, P.C.**

By: /s/ David A. Searles  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, I caused a true and correct copy of the foregoing to be served upon the following via the Court's EDF system:

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Dated: February 4, 2014

s/ David A. Searles  
David A. Searles